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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,410	05/18/2001	Norbert Korenjack	PW 280860	3670

909 7590 03/19/2004  
PILLSBURY WINTHROP, LLP  
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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/859,410

Applicant(s)

KORENJACK ET AL.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-54 is/are pending in the application.
- 4a) Of the above claim(s) 27, 30, 33-36 and 39 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49 is/are allowed.
- 6) ☒ Claim(s) 21, 23-26, 28, 29, 37, 38, 40-48 and 50-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **Status of Application**

1. Applicant's amendment, filed December 22, 2003 has been entered in the application. Claims 23-54 are pending. Claims 27, 30, 33, 34, 35, 36, and 39 remain withdrawn from consideration as being directed to a non-elected species.

### **Claim Rejections - 35 USC § 102**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 23-26, 28, 29, 31, 40, 41, 46, 48 and 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura (US 4,425,976, cited by applicant). Kimura teaches a go-kart (1) with a drive shaft (6) for driving rear wheels (7), a reciprocating piston (see figure 7) internal combustion engine having an output shaft (31) and a housing (5), a driving pinion (40, 41, 42) on the output shaft, a driven pinion (87) coupled to the drive shaft (6) which is within the housing and extends therefrom on opposite ends; reduction multi-gearing (54,55,56) on an intermediate lay shaft (45) for connecting the driving pinion to the driven pinion through a toothed intermeshing (40, 41, 42 intermeshed with 54, 55, 56 and 86, intermeshed with 88, 87), the last stage of the multi gearing (e.g., the gears 54, 55, 56, and the connection to shaft 45) allowing a shifting of gears (through 46, 47, 51, 52, 53), the gear shifting operable through a lever (74) connected to a selection rod (46) by a cable (wire 71), wherein all the shafts of the assembly are positioned at fixed distances from one another; the housing being a closed housing made from a plurality of parts (28, 29, 11, 68, etc) which can be disassembled to provide access to the pinion (removal of 28 or 29) and at least one reduction gearing (removal of housing portion adjacent 68); the engine/gearing housing secured to the vehicle frame by at least one bolted clamp (24, 25, 27; 18, 19), releasably clamped between two chassis tubes (see figure 4) to occupy a space therebetween.

### **Claim Rejections - 35 USC § 103**

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 42, 43, 44, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (cited above). Kimura teaches a go-kart with a drive shaft for driving rear wheels, a reciprocating piston internal combustion engine having an output shaft and a housing, a driving pinion on the output shaft, a driven pinion coupled to the drive shaft which is within the housing and extends therefrom on opposite ends; reduction multi-gearing on an intermediate lay shaft for connecting the driving pinion to the driven pinion, the last stage of the multi gearing allowing a shifting of gears, the gear shifting operable through a lever connected to a selection rod by a cable, wherein all the shafts of the assembly are positioned at fixed distances from one another; the housing being a closed housing made from a plurality of parts which can be disassembled to provide access to the pinion and at least one reduction gearing, the engine/gearing housing secured to the vehicle frame by at least one bolted clamp releasably clamped between two chassis tubes to occupy a space therebetween.

As regards claims 42-45, the reference of Kimura fails to teach the position of the shift lever as being mounted on the steering wheel, and the wire as being a Bowden cable. The location of a gear shift lever in association with a steering wheel is old and well known in vehicles having both automatic and manual transmissions, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to locate the shift lever proximate the steering wheel for the convenience of the driver, and to conform to expected vehicle control configurations. In that the wire taught by Kimura is taught to be usable in both pulling and pushing motions, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wire of Kimura as a Bowden cable for the purpose of providing a sheath for the wire to protect the wire from damage while in use.

As regards claim 47, the reference of Kimura fails to specifically teach the replacement of a gear in the reduction assembly, however in view of the removable cover (adjacent 68) allowing access to the reduction gearing, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace at least one gear with a different sized gear for the purpose of adjusting the speed range for one of the stages.

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6. Claims 32, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura in view of Crofts (US 5,720,248). The reference of Kimura is discussed above and fails to teach the provision of the pinion-to-drive-shaft connection as being releasable, including a hollow shaft integrally molded with the pinion, which encircles the drive shaft, and connects to the shaft with a flexible rubber coupling. Crofts teaches a drive connection for a pinion (16) which includes a hollow shaft (18, 19) encircling a drive shaft (23, 24) and connected thereto by a resilient elastomeric coupling (20). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the connection of the pinion to drive shaft of Kimura with a resilient elastomeric coupling as taught by Crofts for the purpose of reducing shocks to the driven wheels associated with shifting gears.

7. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura in view of Watanabe et al. (US 4,448,279). The reference of Kimura is discussed above and fails to teach a starter ring gear on the output shaft, and a starter motor which drives the ring gear through gearing on a lay shaft. Watanabe et al. teach a vehicle with a small engine, which is provided with a starter motor (66) which drives a ring gear (65) through gearing (66a, 66d, 66f) on a lay shaft (66e). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the engine of the vehicle of Kimura with a starter system as taught by Watanabe et al. for the purpose of allowing a user to easily start the engine.

8. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura in view of Nakano et al. (US 6,213,063, filed 9/1999; 9/1998). The reference of Kimura is discussed above and fails to teach the provision of a cooling water pump coaxial with the lay shaft, and driven thereby. Nakano et al. teach a cooling water pump (15) driven by a shaft (35) which is connected coaxially with a lay shaft end (46). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a cooling water pump as taught by Nakano et al. to circulate water in a cooling circuit for the engine of Kimura, for the purpose of providing a greater amount of cooling than may be had from an air-cooling arrangement.

**Allowable Subject Matter**

9. Claim 49 is allowed.

**Response to Comments**

10. Applicant's comments, filed with the amendment, have been carefully considered. Applicant has argued for each rejection that the reference to Kimura fails to teach each and every limitation of the independent claim (and the remaining claims rejected thereby under 35 USC §102), and as such is a defective reference. The examiner does not agree. The connections between the driving and driven pinions are connected by a toothed intermeshing to the extent such limitation has been recited in the claims. A chain and sprocket connection constitutes 'toothed intermeshing' – a chain intermeshes with the teeth on the sprocket in a manner very old and well known in the engineering fields. See Baumeister and Marks, cited below. As regards the status of a generic claim, the examiner notes that at such time as claim 23 is found to be (1) generic, and (2) allowable, the remaining claims currently withdrawn from consideration would be reinstated. Claim 23, is not allowable at this time, however.

**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baumeister and Marks (the "Marks Handbook") teach the well-known nature of a chain and sprocket connection as constituting toothed intermeshing.
12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326  
After Final Amendments: 703-872-9327  
Customer Service Communications: 703-872-9325

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



3/18/04